

REMARKS

Claims 46-79 are presently pending. By this amendment, Applicants request that claims 53, 54 and 59-79 be canceled without prejudice to future presentation.

In the Preliminary Amendment filed with the present application, reference was made to the present application being a divisional of Application No. 09/343,406 filed June 30, 1999, which is a continuation of No. 09/967,242 filed November 5, 1997 which is a continuation of No. 08/374,468, filed January 18, 1995.

Claims 46, 49, 51 and 52 have been amended to recite isolated complexes comprising peptides or peptide derivatives of glutamic acid decarboxylase wherein the peptide or peptide derivative has a length of at least 10 amino acids of SEQ ID NOS: 2, 3 and 19-39 or is at least 50% homologous to the peptides of SEQ ID NOS: 2, 3 and 19-39 and is bound to alleles or peptide derivatives of MHC class II molecules selected from the group consisting of DR B1 0301, DR B1 0401, DR B1 0402 and DR B1 0404, and wherein in said peptide derivatives the peptide backbone and or the reactive amino acid side groups are derivatized.

It is believed that the amendments to the claims do not constitute new matter and there entry is requested.

The Examiner has indicated that the Information Disclosure Statement has not been considered, since it fails to comply with applicable patent rules. The Examiner has acknowledged claim to foreign priority based on applications P4403522.5, P4401629.8 and P4418091.8 but notes that certified copies of the three applications have not been filed. Certified copies were filed in Application No. 08/374,468 filed January 18, 1995. Verified translations of the priority applications were filed in 09/343,406. The Examiner

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has noted that the application appears to claim subject matter disclosed in a prior application but has indicated that reference to the prior co-pending Application No. 09/434,406 is required along with current status of all nonprovisional patent applications referenced. It is respectfully submitted that a Preliminary Amendment was submitted with this application when filed, which contained reference to the parent Application No. 09/343,406. The specification claims priority to the correct parent application and Applicants request acknowledgment of the priority claims. The specification has also been amended to provide the current status of each of the applications referenced in the priority statement.

Based on the amendment to the specification, Applicants request consideration of the Information Disclosure Statement and references cited therein in parent application No. 09/343,406 and acknowledgment that priority claims have been perfected.

The Examiner has noted an objection to the drawings and formal drawings are being submitted concurrently with this response. Applicants thus request reconsideration and withdrawal of the objection to the drawings.

35 U.S.C. 101 rejections

Claims 46-47, 49 and 51-54 and 56 stand rejected under 35 U.S.C. 101 for lack of utility. The claims have been amended to recite an "isolated" complex. It is believed that the amendment obviates the rejection of the claims for lack of utility and withdrawal of this grounds of rejection is requested.

35 U.S.C. 112, first paragraph rejections

Claims 46-58 were rejected for lack of a written description. The Examiner is of the opinion that the disclosure does not adequately describe the scope of each claimed genus, each of which encompasses a substantial variety of sub-genera. The claims have been amended to recite peptides or peptide derivatives derived from glutamic acid decarboxylase capable of recognizing MHC class II molecules selected from the group consisting of DR B1 0101, DR B1 0401, DR B1 0402 and DR B1 0404. The claims have also been amended to recite peptides or derivatives that are at least 50% homologous to at least 10 amino acids of an amino acid sequence selected from the group consisting of SEQ ID NOS: 2, 3 and 19-39 and peptide derivatives wherein the peptide backbone and/or the reactive amino acid side groups are derivatized. Support for these amendments can be found *inter alia* on pages 8-9.

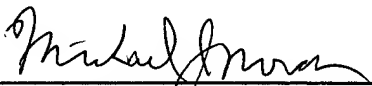
Based on the amendments to the claims, it is believed that this grounds of rejection has been obviated and withdrawal of the rejection of the claims for lack of a written description is requested.

Claims 46-58 were also rejected under 35 U.S.C. 112, first paragraph, for lack of enablement. The Examiner has incorporated the observations made with respect to the written description rejection to also reject the claims as not enabled. In essence, the claims appear to be rejected based on the assertion that it would require undue experimentation for one of skill to predict which peptide fragments could bind DR3 and DR4.

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Based on the amendments to the claims, it is believed that this grounds of rejection has been obviated and withdrawal of the rejection of the claims for lack of enablement is requested.

In view of the above amendments and remarks, it is believed that all of the pending claims satisfy the requirements of the patent statutes. Reconsideration of the instant application, withdrawal of all rejections and early notice of allowance are requested. The Examiner is invited to telephone the undersigned if it is deemed to expedite allowance of the application.

RESPECTFULLY SUBMITTED,					
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